

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(MBHB Case No. 02-742-F; 400/131)

In the Application of:

McSwiggen et al.

Serial No.: 10/665,951

Filing Date: September 18, 2003

For: RNA Interference of Mediated Inhibition  
Of Vascular Endothelial Growth Factor  
And Vascular Endothelial Growth Factor  
Receptor Gene Expression Using Short  
Interfering Nucleic Acid (siNA)

Examiner: TBA

Group Art Unit: TBA

Confirmation No. 8325

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

- ☒ Supplemental Information Disclosure Statement;
- ☒ Supplemental Information Disclosure Statement (IDS) PTO-1449 Form; and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, no additional fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on October 11 2005.

By :

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Registration No. 47,132

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<b>Interfering Nucleic Acid (siNA)</b>	)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. This application is a continuation-in-part of US Serial No. 10/664,668 filed September 18, 2003 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 CFR §1.98(d), all references have been previously cited and submitted to the Patent and Trademark Office with the prior application US Serial No. 10/664,668 and no references are enclosed herein. All references cited are also listed in the PTO-1449 form enclosed herewith.

The Office has amended the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. patent applications. See 69

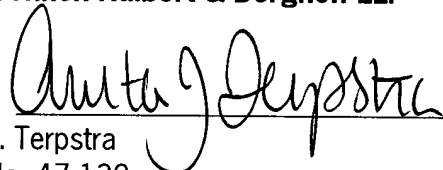
Fed. Reg. 56481. In accordance with this amendment, cited U.S. patents and U.S. patent application publications are not enclosed.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: October 11, 2005

By:   
Anita J. Terpstra  
Reg. No. 47,132

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FORM PTO-1449  
(Rev. 2-32)

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No.

02-742-F  
(400/131)

Serial No.

10/665,951

**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use several sheets if necessary)

**Applicant:**

McSwiggen et al.

**Filing Date:**

September 18, 2003

**Group:**

**U.S. PATENT APPLICATION DOCUMENTS**

Examiner Initial		Document Number	Filing Date	Name	Class	Subclass	Publication Date if Appropriate
	*	US 2003/0190635	10/2003	McSwiggen et al.			
	*	US 2003/0206887	11/2003	Morrissey et al.			

**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	*	6,346,398	02/12/02	Pavco et al.			

**FOREIGN PATENT DOCUMENTS**

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	*	1325955	07/09/03	EP (Klippel-Giese et al.)				
	*	08208687	08/1996	JP (Hotoda et al.)				

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DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

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	*	94/11499	05/26/94	WO (Ullrich et al.)				
	*	94/21791	09/29/94	WO (Bergmann et al.)				
	*	95/04142	02/09/95	WO (Robinson)				
	*	95/13380	05/18/95	WO (Draper et al.)				
	*	97/00957	01/09/97	WO (Patterson-Winston et al.)				
	*	97/21808	06/19/97	WO (Robinson)				
	*	99/04819	02/04/99	WO (Klimuk et al.)				
	*	99/55857	11/04/99	Wo (Beigelman et al.)				
	*	00/21560	04/20/00	WO (Alitalo et al.)				
	*	01/097850	12/27/01	WO (Siemeister et al.)				
	*	02/07747	01/31/02	WO (King)				
	*	02/10378	02/07/02	WO (Cowser et al.)				
	*	02/096927	12/05/02	WO (Escobedo et al.)				
	*	03/068797	08/21/03	WO (Rossi et al.)				
	*	03/070887	08/28/03	WO (McSwiggen et al.)				
	*	03/070896	08/28/03	WO (McSwiggen et al.)				
	*	03/070910	08/28/03	WO (McSwiggen et al.)				
	*	03/074654	09/12/03	WO (McSwiggen et al.)				
	*	03/080638	10/02/03	WO (Lacasse et al.)				

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	*	04/009769	01/29/04	WO (Tolentino et al.)				
	*	04/043977	05/27/04	WO (Prakush et al.)				
	*	04/072261	08/26/04	WO (Li et al.)				

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).**

	*	Anderson et al., "Bispecific Short Hairpin siRNA Constructs Targeted to CD4, CXCR4, and CCR5 Confer HIV-1 Resistance," <i>Oligonucleotides</i> , 13:303-312 (2003)
	*	Bayard et al., "Increased stability and antiviral activity of 2'-O-phosphoglycerol derivatives of (2'-5')oligo(adenylate)," <i>Eur. J. Biochem.</i> , 142(29):291-298 (1984)
	*	Hasan et al., "VEGF antagonists," <i>Oncologic, Metabolic &amp; Endocrine</i> , 703-718 (2001)
	*	International Search Report for PCT/US03/05022 mailed January 6, 2005
	*	International Search Report for PCT/US2004/016390 mailed March 31, 2005
	*	International Search Report for PCT/US2004/027403 mailed July 12, 2005
	*	International Search Report for PCT/US2004/030488 mailed January 12, 2005
	*	Jen et al., "Suppression of gene Expression by Targeted Disruption of Messenger RNA: Available Options and Current Strategies," <i>Stem Cells</i> , 18:307-319 (2000)
	*	Kuwabara et al., "A C. elegans patched gene, ptc-1, functions in germ-line cytokinesis," <i>Genes and Development</i> , 14(15):1933-1944 (2000)
	*	Lu et al., "Tumor Inhibition By RNAi-Mediated VEGF an VEGFR2 Down Regulation in Xenograft Models," <i>Cancer Gene Therapy</i> , 10, Suppl. 1, S4-S5 (2003)
	*	Parry et al. 1999. "Bioactivity of anti-angiogenic ribozymes targeting <i>Flt-1</i> and <i>KDR</i> mRNA," <i>Nucleic Acid Res.</i> 27:2569-77

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	*	Shibuya et al., "Nucleotide sequence and expression of a novel human receptor-type tyrosine kinase gene ( <i>flt</i> ) closely related to the <i>fms</i> family," <i>Oncogene</i> 5:519-524 (1990)
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